

Remarks

Claims 3-17, 21 and 23 are pending. Claims 22 and 24 are canceled in this Response.

Claims 11-17 have been allowed.

Request For Entry Of Amendments After Final

Applicant requests entry of the above amendments to Claims 3 and 23 to correct the errors noted by the Office at pages 2-3 of the pending Action. With regard to Claim 3, Applicant notes that the prior amendment (in which Claim 3 was rewritten in independent form) failed in three instances to accurately integrate the specific/further limitations of Claim 3 with the language of base Claim 1, to wit: (1) "whereby selection of said test page" at lines 11-12 should be "whereby selection of said test page control"; (2) "the device" at line 12 should be "the printer"; and (3) "said test page" at line 12 should be "said test page data file."

In each instance, the mistake and the amendment to correct the mistake were both of a clerical nature not affecting the scope of the claim. Hence, the amendments are not felt to necessitate further search or raise any new issues.

Objections to the Claims

Claims 3 and 23 have been amended to correct the items noted by the Office in paragraphs 5 and 6 of the Action.

Rejections Under 35 U.S.C. § 112

Claim 3 was rejected under Section 112 because "the device" and "said test page" at line 12 lacked antecedent basis and because of the confusion the use of these two terms created. As noted above, Claim 3 has been amended to recite "the printer" (instead of "the device") and "said test page data file." These amendments resolve the antecedent basis problem noted by the Office and also make it clear that the test page data file is transmitted to the print engine module for production of the test page. Based on these amendments, Applicant requests that the Office withdraw the Section 112 rejection of Claim 3.

Rejections Under 35 U.S.C. § 103

Claims 3-10, 21 and 23 stand rejected under Section 103 as being obvious over Sasanuma (6034788) in view of Suzuki (5771420). The rejections are based on the assertion that Suzuki teaches determining the rate of toner consumption in a laser printer. This assertion is not correct.

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Suzuki teaches counting the number of driving pulses input to the laser diode in a laser printer (as a measure of the number of pixels scanned to the photoconductor drum) and then comparing the cumulative count to a predetermined end of life threshold count. If the cumulative count exceeds the end of life count, then an end of life indicator is activated. Suzuki, column 2, lines 8-15; column 5, lines 55-64; column 6, lines 6-16; and column 7, lines 5-20. The end of life indicator indicates the end of the useful life of the photoconductor drum (the so-called "latent image recording medium"). See Suzuki, column 4, lines 11-21.

Suzuki suggests nothing about the *rate* at which toner is consumed. Indeed, the printing cost per page (CPP) or other factors related to the *rate* of toner consumption is of no concern to Suzuki -- he is interested in knowing when the photoconductor element is worn out. Hence, even if it is assumed for purposes of argument only, but without conceding, that Sasanuma teaches printing a test page without using the printer formatter, the combination of Sasanuma and Suzuki does not teach all of the elements of Claims 3, 21 and 23.

Claims 3, 21 and 23 and Claims 4-10 depending from Claim 3 distinguish patentably over the cited references. All pending claims, therefore, are now in condition for allowance.

The foregoing is believed to be a complete response to the outstanding office action.

Respectfully submitted,

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